

HON'BLE SRI JUSTICE S.ANANDA REDDY

Rev.WPMP No. 26877 of 2005

in

W.P.No. 24751 of 2004

Date: 08-11-2005

Between:

The General Manager, Telecom.,

Kadapa and others.

... Petitioners/Respds

And

K. Sudhakar and 15 others. ... Respondents/Pettrs.

HON'BLE SRI JUSTICE S.ANANDA REDDY

Rev.WPMP No. 26877 of 2005

in

W.P.No. 24751 of 2004

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ORDER:

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This is a petition filed by the respondents in the main Writ Petition for reviewing the order of this Court dated 10.06.2005 for restricting the implementation of the orders

with reference to the scale of Rs.4000-6000 in the re-structured cadre of telecom mechanics on completion of 16 years of service from the date of their appointment as regular mazdoors/Group-D/Telegraphmen, in terms of the orders of the Tribunal, as confirmed by this Court.

2. According to the learned Standing Counsel appearing for the review petitioners, in number of matters this Court passed orders allowing the writ petitions, but granting the benefit of the scale notionally from the date of their entitlement, but, monetary benefit from 01.01.2005. But, however, with reference to the present Writ Petition this Court did not incorporate the said condition. Therefore, the learned Standing Counsel sought for incorporation of the same condition restricting the payment of back wages.

3. The learned counsel Sri Venkateswara Rao, appearing for the respondents/writ petitioner, however, sought to sustain the order contending that the conduct of the Department was such that in spite of the representations made by the petitioners, the re-structured cadre scale was not implemented. In fact, it is contended by the learned counsel that with reference to some of the petitioners, they are eligible from 2003, 2004, and 2005. Therefore, there are no laches. The learned counsel also placed a communication stated to have been given by the BSNL to its General Managers stating that the order of the Tribunal passed in O.A.No.1966 of 1999 is not being extended by the BSNL with reference to others, but has decided to implement only with reference to the applicants in the said O.A. Therefore, there cannot be any laches on the part of the petitioners, and hence, sought to sustain the order.

4. Heard the learned Standing Counsel for the Review-Petitioners and the learned counsel for the respondents/writ petitioners, and considered the material on record.

5. This Court has restricted the benefit of implementation of the order without affecting the interest of the Department with reference to back wages, as many of the petitioners are though eligible even from the year 1998, they have approached this Court only in 2004, and, in fact, this Court entertained the Writ Petition in view of the fact that the issue is covered by the orders of this Court. In view of the above circumstances, the order of this Court, dated 10.06.2005 is modified insofar as the

implementation of the scale of pay in the re-structured cadre of Rs.4000-6000 notionally from the date of their entitlement, but with monetary benefit from 01.01.2005 on par with the petitioners in other cases, where such restriction was imposed by this Court.

7. The review petition is accordingly allowed to the extent indicated above. No costs.

S. Ananda Reddy, J.

Dt. 08.11.2005

Note: Issue C.C. in

One week. (bo)

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